



# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

### SUBJECT

Mathematics and Reading Professional Development Program  
(AB 466): Adopt Title 5 Regulations

- ☒ Action
- ☒ Information
- ☐ Public Hearing

### RECOMMENDATION

The California Department of Education recommends that the State Board of Education (SBE) consider comments received during the 45-day public comment period, at the public hearing, and during the 15-day comment period and take action to adopt the regulations.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE approved the Notice of Proposed Rulemaking, the proposed Title 5 Regulations for the Mathematics and Reading Professional Development Program (AB 466), and the beginning of the 45-day comment process at its meeting on May 12, 2004. The Public hearing was held on July 6, 2004. At the July 2004 meeting the SBE directed staff to send out revised proposed regulations with modifications requested by the SBE for a 15-day public comment period and bring the proposed revised regulations to the SBE for action at the September 2004 meeting.

### SUMMARY OF KEY ISSUES

The proposed regulations clarify the intent of the legislation and stipulate that program funding shall be limited to providing professional development to teachers, paraprofessionals, and instructional aides eligible to receive instruction as set forth in *Education Code* Section 99233 and *California Code of Regulations, Title 5*, Section 11981, in one instructional materials program per subject area (reading/language arts and mathematics) with modifications as described in Section 11985 (d) of the proposed regulations.

### FISCAL ANALYSIS (AS APPROPRIATE)

The Mathematics and Reading Professional Development Program (AB 466) is funded at the level of \$31.7 million in 2003-04. The proposed regulations would not impact the amount of funding the program receives or the amount a local educational agency would receive as reimbursement for teachers, paraprofessionals, or instructional aides trained.

**ATTACHMENT (S)**

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Attachment 1: Revised Proposed Regulations (2 pages)

Attachment 2: Final Statement of Reasons (3 pages)

**Title 5. EDUCATION**

**Division 1. State Department of Education**

**Chapter 11. Special Programs**

**Subchapter 21. Mathematics and Reading Professional Development Program**

*Amend Sections 11981 and 11985 to read:*

**§ 11981. Teacher Eligibility.**

In addition to those identified in Education Code Section 99233, (a) Teachers who hold a multiple-subject credential, whose primary assignment is to teach in a classroom that is not self-contained, and who are employed in a public school, will be eligible to receive instruction in mathematics if their primary teaching assignment is mathematics and/or science and may receive instruction in reading/language arts if their primary teaching assignment is reading/language arts or social science.

NOTE: Authority cited: Section 99236, Education Code. Reference: Section 99233, Education Code.

**§ 11985. Participation Requirement.**

(a) The Superintendent of Public Instruction shall award funding to local educational agencies for each participant that fully meets the hour requirements of the Mathematics and Reading Professional Development Program (Article 3, Chapter 5, of Part 65 of the Education Code [Sections 99234(h) and 99237(b)] and Subchapter 21, Chapter 11, Division 1 of Title 5, California Code of Regulations [Section 11980(c)]).

(b) Beginning in 2004-05 fiscal year, such funding shall be limited to one 120 hour sequence of professional development divided into 40 hours of initial training and 80 hours of follow-up professional development per subject area for each teacher eligible to receive instruction as set forth in Education Code Section 99233 and Title 5, California Code of Regulations, Section 11981.

(c) Beginning in 2004-05 fiscal year, such professional development funding shall be limited to one training per subject area for each paraprofessional and instructional aide eligible to receive instruction as set forth in Education Code Section 99233.

(d) Notwithstanding subdivision (b), if funding is available at the end of a fiscal year,

1 the Superintendent of Public Instruction shall also award funding for additional  
2 professional development training to eligible teachers if any of the following conditions  
3 applies:

4 (1) The local educational agency has changed its adopted instructional materials  
5 program and approved training is available for the new program.

6 (2) The teacher's assignment has changed.

7 (3) The teacher's course assignment has changed to an area in which the teacher  
8 has not previously received the applicable training.

9 (e) If no funding is available at the end of a fiscal year, the Superintendent of Public  
10 Instruction shall not award funding for additional professional development training  
11 pursuant to subdivision (d).

12 NOTE: Authority cited: Section 99236, Education Code. Reference: Sections 99234(h)  
13 and 99237(b), Education Code.

**FINAL STATEMENT OF REASONS**  
**Mathematics and Reading Professional Development Program (AB 466)**

**UPDATE OF INITIAL STATEMENT OF REASONS**

The purpose for the regulations is to ensure that program funding is allocated to participating local educational agencies on an equal basis. These regulations will also assist efforts to increase the number of California teachers, paraprofessionals, and instructional aides who may receive high-quality professional development in reading/language arts and mathematics.

The regulations limit reimbursement to local educational agencies for teachers successfully completing training to one 120 hour sequence of professional development divided into 40 hours of initial training and 80 hours of follow-up professional development per subject area (reading/language arts and mathematics) for each teacher eligible to receive instruction as set forth in *Education Code* Section 99233 and Title 5, California Code of Regulations, Section 11981.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MAY 21, 2004 THROUGH JULY 6, 2004.**

The text was made available to the public from May 21, 2004 through July 6, 2004. The Superintendent received the following comments on the modified text:

**Comment:** Sharon Van Vleck, Director, Elementary Curriculum and Rebecca Brown, Coordinator, Elementary Curriculum, Sacramento City Unified School District, and Ronni Ephraim, Chief Instructional Officer, Los Angeles Unified School District, via letter, and Sandra Lam, Teaching and Learning Department, San Francisco Unified School District, via e-mail, commented that the proposed regulations should allow local educational agencies to receive reimbursement for training the same teacher more than once, per subject area (reading/language arts and mathematics), in the following situations: if a district changes the instructional materials program, if there is a change in grade-level assignment, and if there is more than one instructional materials program assignment for teachers with a single-subject credential.

In addition, the writers recommended that the proposed changes for teachers should also apply to paraprofessionals and instructional aides.

**Response:** *The proposed regulations were revised to allow the Superintendent of Public Instruction to award funding to local educational agencies for the provision of professional development to eligible teachers as listed below, if funding is available at the end of a fiscal year:*

- 1) *The local educational agency has changed its adopted instructional materials program and approved training is available for the new program;*
- 2) *The teacher's assignment has changed by more than two grade levels;*
- 3) *The teacher's course assignment has changed to an area in which the teacher has not previously received the applicable training.*

*The enabling legislation established the following prioritization for participation in the program:*

*(a) Teachers who have not participated in a professional development institute in reading or mathematics that is authorized pursuant to Article 2 (commencing with Section 99220) shall be accorded first priority for training.*

*(b) Teachers who have participated in a professional development institute in reading or mathematics that is authorized pursuant to Article 2 (commencing with Section 99220), but who have not yet received supplemental training in the areas specified in paragraph (2) of subdivision (a) of Section 99237 shall be accorded second priority for training.*

*The California Department of Education believes the intent of AB 466 is to provide training to teachers who have not had the opportunity to receive quality professional development such as that provided by AB 466 in the past, not to retrain teachers who have already had the opportunity to take advantage of AB 466 training.*

**Comment:** Dr. Louise Bay Waters, Associate Superintendent, Student Achievement, Oakland Unified School District, via letter, commented that the proposed regulations should allow local educational agencies to receive reimbursement for training the same teacher more than once per subject area (reading/language arts and mathematics), for teachers switching from an older version of a State Board of Education adopted instructional materials program to a newer version of that program.

**Response:** Section 11983.5 “Definition of Instructional Materials... Otherwise Authorized by the State Board of Education” (California Code of Regulations), already provides a mechanism for districts using older versions of State Board of Education adopted instructional materials to add components so that these materials can be retained and used in the classroom. Local educational agencies can then use these updated instructional materials to qualify for AB 466 reimbursement.

**Comment Received Late:** Paramount Unified School District, no response required.

### **COMMENTS RECEIVED DURING THE PERIOD THE 15-DAY NOTICE AND PROPOSED REGULATION TEXT WAS AVAILABLE TO THE PUBLIC.**

The modified text was made available to the public from July 14, 2004 through July 28, 2004, inclusive. The State Board did not receive any comments on the modified text.

### **ALTERNATIVES DETERMINATION.**

The State Board has determined that no alternative would be more effective in carrying out the purpose for which the regulations is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

**LOCAL MANDATE DETERMINATION.**

The proposed regulations do not impose any mandate on local agencies or school districts.

**REGULATIONS TO BECOME EFFECTIVE UPON FILING.**

It is important that these regulations become effective as soon as possible to ensure that program funding is allocated to participating local educational agencies on an equal basis.